

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed January 18, 2007. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Drawings Objection**

The drawings have been objected to under 37 C.F.R. § 1.83(a) for not showing every feature of the invention specified in the claims.

In response to the objection, the drawings have been amended to label Figure 1 as "PRIOR ART." Applicant notes that the added label only indicates that the components explicitly illustrated in Figure 1 are prior art. Therefore, the various configurations for those components illustrated in Figures 2 and 3 are not prior art and Applicant makes no admission to that effect.

In view of the above-noted amendment to the drawings, Applicant respectfully submits that the drawings are acceptable and requests that the objection be withdrawn.

### **II. Claim Rejections - 35 U.S.C. § 101**

Claims 8-12 and 20-34 have been rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter.

In the Office Action, the Examiner ostensibly argues that claims 8-12 and 20-34 cannot be directed to anything but software. Applicant disagrees.

Applicant reiterates that claims 8 and 20 are not limited to software alone. For example, the "means for transmitting a notification" explicitly recited in claim 8 can, in one

interpretation, pertain to the I/O devices 206 which "include one or more communication components." *Applicant's specification*, page 6, lines 7-10. Furthermore, the recited "means for receiving a firmware download request" can, in one interpretation, pertain to the I/O devices 308 that "facilitate communications with other devices over the network. *Applicant's specification*, page 8, lines 3-7. Moreover, the recited "means for transmitting a firmware file" can, in one interpretation, also pertain to the I/O devices 206. Therefore, the various limitations of claim 8 are not necessarily limited to software as alleged by the Examiner. The same points apply to the limitations of claim 20.

As to the Examiner's attempt to characterize claims 8 and 20 as "claiming a signal," Applicant's above identification of hardware as "means" overcomes that argument. Applicant is not claiming a signal. Instead, Applicant's claims can be interpreted as comprising *hardware that transmits* signals. There is nothing improper about claiming such hardware.

Regarding claim 25, the Examiner appears to argue that Applicant fails to claim a computer-readable medium. In response, Applicant notes that not only does the preamble of claim 25 explicitly recite the term "computer-readable medium", claim 25 is actually *directed to* a computer-readable medium. As such, the Examiner's contention is clearly without merit.

Finally, regarding claim 28, the Examiner appears to argue that Applicant fails to claim a printing device. In response, Applicant notes that not only does the preamble of claim 28 explicitly recite the term "printing device", claim 28 is actually *directed to* a printing device. As such, the Examiner's contention is clearly without merit.

In view of the above, it is clear that it is the Examiner's arguments that lack persuasiveness. Accordingly, Applicant requests that the rejections be withdrawn.

### **III. Claim Rejections - 35 U.S.C. § 112, First Paragraph**

Claims 1-34 have been rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement and the enablement requirement, and for being supported by a non-enabling disclosure.

In response, Applicant notes that the rejections are clearly improper on their face given that the Examiner provides no explanation whatsoever for the basis of the rejections. In view of that, the Examiner has denied the Applicant an opportunity to respond to the allegations against its claims. As provided in MPEP 706.07, "[t]he Examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal." Obviously, no such "full and fair hearing" has been extended in this case.

In view of the Examiner's failure to explain the reasons why Applicant's claims are improper under 35 U.S.C. § 112, first paragraph, Applicant is unable to respond. Applicant notes that if the Examiner wishes to maintain the rejections, the Examiner must do so in a further *non-final* Office Action with a full explanation as to why each individual claim is rejected. If the rejections are maintained without issuance of such a non-final Office Action, Applicant will appeal to the Board of Patent Appeals for reversal.

**IV. Double Patenting Rejections - Obviousness-type Double Patenting**

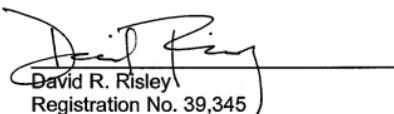
Claims 1-34 have been rejected under the doctrine of obviousness-type double patenting as being unpatentable in view of claims 1-15 of U.S. Patent No. 7,146,412 ("the '412 patent"). Applicant respectfully traverses.

Although Applicant does not concur with the rejection, Applicant, in the interest of expediting issuance of a patent, has submitted herewith a terminal disclaimer that disclaims any portion of term for a patent issuing from the present application that will extend beyond the term of the '412 patent. Applicant therefore respectfully requests that the rejection be withdrawn.

**CONCLUSION**

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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